

As distinguished from the above, claim 1 requires, in addition to other features, that the electronic controller unit and the mechanical setting element are arranged in one single unit of the device suitable for installation under the plaster, whereby the setting element is acts on a rotatably supported setting body, so that a water mixture corresponding with its rotational position can be prepared within a mixing body with the hot and cold water that can be supplied via a hot water feed and a cold water feed.

DE 38 38 046 A1 does not anywhere reveal any clues or suggestions pointing in particular in the direction of the above features.

Differences vis-à-vis claim 8

Nothing can be derived from this published document about the manner in which the temperature of the mixed water is controlled, and about any detection or determination of the flow-through, so that claim 8 is not affected to that extent.

DE 37 39 676 A1

Differences vis-à-vis claim 1

The electrical, continuous heater 10 contains a controller 12 that supplies an output signal to an

electrical adjusting element according to the heater output required for maintaining the nominal value. In that connection, the adjusting element 16 controls the flow of the current through the heating coils 18 (see column 2, lines 39 to 49).

Nothing is stated in DE 37 39 676 A1 about the mounting and installation conditions. Furthermore, no mixing body and no adjusting body for controlling the mixed water and the temperature of the mixed water are addressed in this published document either.

This published patent is consequently irrelevant to claim 1. No clues and no suggestions pointing in the direction of any combination of its features can be found in DE 37 39 676 A1.

#### Differences vis-à-vis claim 8

Nothing at all is stated in this published document about the manner in which the temperature of the mixed water is measured and the flow-through is detected, so that neither claim 8 is affected by this document to that extent.

#### Summarizing Consideration

In light of the fact that none of the published documents specified above can provide the expert with any

indications or suggestions relating in particular to the combination of claims 1 and 8, it is our opinion that vis-à-vis these published documents, the object of said claims is based on inventive activity when this prior art is viewed both on an individual basis and in the light of any combination of these documents.

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